


579 C. 68
THE
OPPRESSED MAN'S
OUT-CRY;

OR,

An Epistle writ by *John Hedworth* of *Harraton* in the County of *Durham*, Esq. the 13 *Sept.* 1651. unto the Honourable, *Sir Henry Vane*, the elder, a Member of the Honorable Parliament of the Common-wealth of *England*, *William Vane* his son, *Lieut. Col. Paul Hobson*, and *John Middleton*, Esq. Members of the Com. of the Militia of the County of *Durham* by Authority of Parliament.

Honourable & worthy Gentlemen,

 HE great Lord *Jehovah*, the Creator of the world, in Scripture is styled a God of Compassion, and of Truth and Justice, and a hearer of the sighs and groans of the afflicted and oppressed; who in Scripture hath fully declared himself, to be an angry and severe Judge, and punisher of tyrants and oppressors; yea, and of those that shut their ears, and harden their hearts, against the mournful, pitiful, and just complaints of the afflicted and distressed. And he by his special Providence, hath put power, authority, & magistracy into your hands, being Members of that Committee, that have the chiefest command of this County (under the Parliament, the supream) at your beck; And therefore by him in Scripture are styled gods upon earth, and in that regard yee ought to be like him not onely in tender Compassion and mercy, but also in truth and Justice, and hearers of the sighs, groans and mournfull Lamentations of the afflicted and oppressed. In the serious Consideration of which give me leave to cry out unto you, and acquaint you, that I am the son and heir of a deceased Knight, *Sir John Hedworth*, who was Lord, Owner, or Proprietor of the Lands of *Harraton* in the County of *Durham*, and all the Cole Mines thereof, or thereunto belonging, and left them unto me by an ancient and unblemished Intail, as strong as the Laws of *England* (my undoubted birth-right) could make any, as his eldest son and heir. And being by

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his decease, left yong in years, and destitute of the support of powerful friends, and allies, and therefore he to become a prey to every devouring wolf, or greedy great man, that should have a covetous eye to that inheritance that my forefathers strongly and Legally intailed upon my father and my self: And it was my unhappy fate to live in the age wherein Sir *Arthur Heflrig* became Governor of *New Castle*, a man of a high and covetous spirit, the whole County of *Durham* being (as by his constant actions he declares) too little in Revenue to satisfie or content his greedy appetite; And a man that will admit of no rule to walk by, but his own perverse will and sword, who casting more then an *Abab* eye upon my poor Vineyard at *Harraton*, abhorred to be so righteous unto me, as wicked *Abab* desired and proffered to be to poor *Naboth*, who proffered him for his Vineyard the worth of it in money, or a better for it.

But Sir *Arthur Heflrig* finding my land and Cole mines at *Harraton*, were profitable and pleasant, and lay commodious for him to add to his newly com'd by great Estate; yet though he were inferiour in power to *Abab* a King, would be more unrighteous in practice to me, then he was to poor *Naboth*, and therefore would take from me my Colyeries and Land, yea, and my Cattle too, and that without so much as ever proffering me as good for them in exchange, or the worth of them in money, or so much as one penny for them in consideration, yea, or that so much as ever setting up & legally producing the least shadow, or pretence of title against me, more then his wil, pleasure, and sword; yea, and to aggravate his covetousness and tyranny exercised to the height against me, he would not only take my inheritance, goods, & cattle from me for nothing, by his will; but he would do it in such a way, as that I should be left destitute for ever hereafter, of all hopes of friends to recover it; & therefore he would totally destroy and crush to pieces, not onely in estate, but also in good name, (which to an honest man ought to be more precious, then much sweet ointment) my Father in Law *M. George Grey*, and my old friend *M. George Lilburn*, thereby for ever hoping to deter any man of power or interest in the least, to meddle with me, to help to ease or redress me; and all this done unto me at such a time, when the righteous and just God is abroad in the world, in Power and Majesty, to destroy Kings and Princes, and the greatest of their Followers, for tyranny, injustice, and oppression; yea, and at such a time when the Parliament

of England his Masters, have raised and maintained a bloody and costly war, declaredly to defend the liberties and properties of the people, yea, and at such a time when they themselves execute severe justice for secret transgressions done in holes and corners, upon their own members, witness my Lord *Howards* Bribery.

And that Sir *Arthur* hath oppressed me, and taken from me, and my tenants, my estate, is evident.

1. As to my Cole mines, the profits of which he and his under Commissioners, in their Certificate printed in Lieutenant Colonel *John Lilburns* Letter to four of the Commissioners at *Harbours* Hall, dated the 30 of *July* 1651. pag. 11. line 3, & 4: hath valued it at fifteen pounds a day in clear profit, which by the year at that rate, reckoning 365 days to the year, amounts to full 5475 *l. per an.* the high injustice and tyranny in his taking away of which, and still with a high and strong hand as unjustly detaining of it, is so fully set out & proved in authentick Records, in the forementioned printed Epistle, especially in my tenant *M. Josiah Primates* petition to the Parliament, delivered at their door in print to their members, upon the 12 of *July* 1651. and recorded there, pag. 16, 17, 18, 19, 20: that I need now say no more of it, but refer you to the said Epistle, one of which I make bold herewith humbly to present unto you all for your serious and careful perusal.

2. He and his under Commissioners hath as arbitrarily and tyrannically taken away from me almost three hundred pounds per annum, of my Land of Inheritance at *Harraton*, and have let both Collicery and Land to Colonel *Mucker*, Lieutenant Colonel *Mayers*, major *Tolhurst*, or other of his officers and soldiers, of which Land I was (being neither Papist nor Delinquent) in legal and quiet possession, for about three years together, before they pretended to sequester it from me, and although I had an Order, dated the 12 of *July* 1650. recorded in the 29 page of the fore-said Epistle, that requires, that in case I were in actual possession at the time of the sequestering my said Land, and were no Papist nor Delinquent, that then I should be restored by the Commissioners of *Durham* to the possession taken from me, giving security to be responsible for the profits of the estate, in case it should not prove mine, and although there was never any pretence of my being either Papist, or Delinquent laid unto my charge; and although I have fully proved by Authentick witnesses, viz. *M. John*

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Clifton of Gateshead, and M. Thomas Petty of Durham (recorded in the said Epistle, pag. 28.) that I was in quiet and peaceable possession of the said Lands, at the time when they were sequestered, yet will not Sir Arthur suffer the Commissioners of sequestrations of Durham, to obey the said Order, or do me any manner of Justice or Right, but instead thereof hath commanded one of them, viz Col. Francis Wren, to go to the Judges of Assises, and command them from him, to suffer me to have no benefit nor priviledge of the Law of England, (my grand and undoubted inheritance and birth right.)

3. Sir Arthur Heslrig and his said under Commissioners, who are solely at his beck and Command, and dare do nothing against his will and directions, have most illegally, arbitrarily and tyrannically robbed and taken from me almost sixty head of my Cattle, some of which were well worth seven or eight pound a piece, I having been bid for ten Oxen, then of that number, seven pound a piece ready mony, and six more of them were Stots, for some of which I was bid five pound a piece; and these they took from me being my own proper goods, and no mans else in the world, neither directly, nor indirectly. And my absolute propriety in them all, I have fully proved by legal testimony: Copies of whose Depositions are recorded in the foresaid Epistle, pag. 33, 34, 35. the height of whose injustice to me in the two last particulars of my Land, and Cattle, I cannot to your Honours better set forth, then is already done in my printed petition delivered to the Parliament, upon July 23. 1651. and recorded in the foresaid Epistle, pag. 31, 32, 33. to which I humbly refer you; all which Cattle I valued at three hundred pounds. Its true, they pretended they were my Father Greys, which if they were, (as in the least they were not at that time, nor any one of them for almost twelve months before) yet he is neither Papist or Delinquent, but is, and hath been a zealous, active, well affected Parliamentær, and a Committee man for divers years together, unspotted and unblemished, as is very well known to you all four; but farther they say, my Father Grey ought one John Jackson, a Delinquent, mony, who had not paid his Composition: what's that to me? But fullier to answer that, I say, my Father Grey avers he owes him never a penny, nor never bought nor sold with him in his life, for two pence, nor never took no land of him, nor Cole Pits, nor no such like things; but its true, he confesseth he took Land of his brother William Jackson, who

who had a legal right to let it, for the payment of his portion and his sisters, who had a Decree in Chancery, in 1639 to authorise him so to doe, and also had the Order of the Committee of the County of *Durham*, to inable him so to do; which Order was procured and obtained, by the special desire and petition of the wife of the said *John Jackson*, when his Land was under sequestration; and yet for all this, hath the said Sir *Arthur Hesilrigg* and his obedient creatures, by his will and pleasure, taken the said Land from the said *William Jackson*, (who was neither Papist, nor Delinquent) and his sisters, and conferred it upon the said Delinquent *John Jackson*, who had no present right to it; by means of which, those of them that are yet alive, are ready to famish and starve through poverty and want.

But may it please your Honours; admit the said Cattle that I averr was mine, had been my Father *Greys*, and admit the said *John Jackson* the Delinquent; had pretended my Father had owed him mony, yet upon what ground of Reason, or Law, had the Commissioners at *Durham*, to believe the said *Jackson*, a Delinquent bare averment, before my Father in Laws, who is no Delinquent, but every way an honest man: But I farther answer, *John Jackson* the Delinquent, had compounded and actually got off his sequestration about a year before the taking away my cattle; and in that regard was in a sense *in statu quo*, and if any man owed him mony, his just and regular way was to go to Law for it, and there recover it as other English people do, and not for Sir *Arthur* and his Commissioners to be their own Carvers; to make that a pretence to ruine and destroy those who they had a desire so to do unto, under pretence they owed a Compounding Delinquent mony; which if they did, yet had Sir *Arthur* and his Commissioners, (neither by Law nor Ordinance) any power at a'l to drive their goods, half starve them, and then sell them at most for half the price of their first worth, and do with the mony what they pleased, as with me in my present case they did; nay, although the said *John Jackson* had not paid in all his Composition, yet neither by Law, nor Ordinance, they had no power to seize and sell the goods of those that really owed him mony, much less of those that he only pretended owed him mony; much less could they seize and sell the goods of those that he never pretended owed him a penny, which is my case; for their regular and legal course, in case of his wilful or negligent non-payment of his
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fine, had been to have re-sequestred his Lands again: but this high piece of injustice, as well to my Father *Grey*, as my self, he assures me he will particularly and fully anatomize in print; and therefore to him, I now leave this, and all his other and many oppressions and wrongs, by Sir *Arthur Hasletrig*, which I believe the world will shortly see in print by him in their colours.

4. I beseech you observe, here is to me out of my Colliery lost 40 s. a week, and 10 l. at *Christmas*, and 10 l. at *Easter*, for two years, amounts to 248 l. besides lost out of my Land at 300 l. per annum, or thereabouts, for $1\frac{1}{2}$ of a year comes to 575 l. lost by my said Cattle 300 l. all three of which, put together, comes to 1123 l. besides in several postings, and other Journeys to *London*, charges staying there, fees to Lawyers and Solicitors, with Clerks fees for Orders, &c. charges for witnesses, several times to *London* and *Durham*, and many other incident charges depending upon my almost two years troubles, above 300 l. for I am sure of it, one Journey to *London*, and charges there, cost me above three score pounds, besides the loss of my time for the said almost two years, and improvement of my stock and land, with the denial of me the benefit of the Law, and thereby with other ingredients the loss unto me of many opportunities I have had, to re-gain and possess several large parcels of mine inheritance at *Sunderland*, and several other places, and making me poor and low, and forcing me to run into debt, with disgracing my reputation and credit; yea, and add to all this, by his burying me alive as it were, if I had not by Gods goodness found unexpected extraordinary choice, cordial and faithful friends, by which means I am really dammified, I am confident of it, at least 5000 l. besides the foresaid 1123 l. or thereabouts, that I have lost by Sir *Arthurs* matchless and unparelled cruelty and tyranny. Over and above which, if my Colliery be worth that rate of fifteen pound per diem, what Sir *Arthur* and his Commissioners in their foresaid Certificate values it at, my tenants, M. *Primate*, M. *George Lilburn*, and my brother M. *George Grey Junior*, are dammified by their almost two years loss of it, about ten thousand nine hundred and fifty pounds, of all which cruelty and injustice exercised towards me, and upon me, Colonel *Francis Hacker*, now a Colonel of Horse in the Army under his Excellency the victorious Lord General *Cromwel*, hath been no small Instrument and principal Agent to execute upon me, arbitrarily

and illegally lending his Soldiers or Troupers with severe commands, to handle me ruffly without pity or compassion, when by their wils and swords they took my own from me, threatening them that if they did not execute his tyrannical and unjust commands effectually upon me, he would cashier them out of his Troup and Regiment, as some of themselves have confessed; and all this hee did, as is evident, to make himself rich and grear, with my Colliery and Lands, of which Sir *Arthurs* darling, the said Col. *Francis Hacker*, must needs become the chiefeft Farmor, which in the conclusion it may be, may have in som sense as sharp sauce following it, as *Naboths* Vineyard had to, or for *Abab*; which if it have, I hope Sir *Arthurs* Lieutenant Col. *Mayers*, and his busie and late upstart Major *Tolhurst*, with his pedling Lieutenant *Brwine*, the insolentest fellow of all the rest, will not go scot-free. Thus most noble Gentlemen, have I most truly, though briefly, laid open my wounds unto you; for which as yet, in this our English *Gilead*, I can finde no balm, although I have left no just and ordinary means unassayed, that it is possible for the wit of man to attempt: as,

First, at the beginning, I and my relations at the Committee of *Durham*, did what in us lay, to preserve our rights; but Sir *Arthurs* will, long sword, threats, and bended fist, was too hard there for all our Law, Right, and Reason; and then when by will and power, my right was caried from me there, I

Secondly, appealed to the chief Commissioners above at *London*, and there I freely spent my mony, amongst the Lawyers and Solicitors, to gain the best advice I could thereby; but my business going on very heavily, I at last found out two faithful Counsellors, viz. Lieu. Col. *John Lilburn*, and Major *John Wildman*, upon whose faithfulness, understanding, and valour, I cast all my said affairs; and they plaide the parts of honest & faithful men for me, and had many a sharp and bitter tug with Sir *Arthur* and the Commissioners above, as you may partly and truly read in the foresaid Epistle of Lieutenant Col. *John Lilburns*, which yet is far short of what I my self heard expressed there; and when I was wearied, tired, and almost spent with charges and delays, and could get no manner of justice from their hands, I

Thirdly, followed the advice of one of them especially, viz. Lieutenant Col. *John Lilburn*, and Petitioned the Parliament, and had his personal and zealous countenance in it; but they being full of weighty business, (for so at most I must but say) had no time to
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read my Petition, although I staid at *London* so long, till I was fain to ride post to come down to the expected Assises at *Durham*; and at my departure, I principally left the care of my business, with my said faithful friend Lieu. Col. *John Lilburn*, who it seems being in some despair of getting my Petition at present read, and he as to me appears, judging long delays to be my ruine: In the

Fourth place, he hazarded himself amongst other things he had occasion to publish, to print my oppressions and cruel sufferings, in that forementioned Epistle of his to four of the Commissioners at *Haberdashers Hall*, to which he sets his hand three times; and although Sir *Arthur Hesilrig* at *Durham*, the other day (as the Lieutenant Col. informs me) would have had some people to believe he durst not, or would not own it; and therefore desired his brother *Gore*, to deliver a message from him to the Lieutenant Col. which was, that if he were a Gentleman, he desired him to own the late book called his, & to send him one; which being delivered to the Lieutenant Col. by his brother *Gore*, he desired him to tell Sir *Arthur*, that if he were a Gentleman, hee intreated him to be an instrument, that they both might appear face to face at the Bar of the Parliament, and he would ingage himself to him, to own so much of it; as he was confident should make his very heart to ake; for as the Lieutenant Col. saith to me, the Book or Epistle contains in it a matter of a high charge against Sir *Arthur Hesilrig*, and by the Law of *England*, and the practice of the Parliament it self, in the Earl of *Straffords* case, (he saith) it is at his own choice, which piece of it he will begin with, to make good against Sir *Arthur* first, and not to be prescribed by him, or any else for him, to begin with what in it they pleased; and I my self am sure of it, the main and principal part of it, he hath there sufficiently proved by authentick Records, which to my great cost and expences, I my self know to be true; but besides, Sir *Arthur* needs not in the least to be afraid of the Lieutenant Col. not owning the Book; for I my self, with many more, have heard him often do it, and he hath told me, that (as I remember) the very day he came out of *London*, he went to the Honourable, the Speaker of the Parliament, for his Post Warrant, and told him to this effect, that he had a Book at the Press, which would be finished and printed within a few hours, against Sir *Arthur Hesilrig*, for his oppressions to his Uncle M. *George Lilburn*, my self, and several others of his relations; and therefore

fore intreated his Honour, in case that in his absence, that Book (by reason of the high language in it) came to be questioned in the Parliament, that he would be pleased to oblige him so far to him, as to acquaint the House that it was his, and he would justify it with his life; and therefore humbly besought him to intreat the House to punish no body for writing, printing, or dispersing of it, but to lay the whole load of it upon himself; and if he pleased, in case the House were angry at the Lieutenant Col. for it, he intreated the Speaker to send him but two lines by the meanest messenger in the world, and he engaged to him to leave all his business in the North, and to come post to the House, and to justify the truth of the said Book, with his life; and farther told the Speaker, that seeing in ordinary ways, he and his friends could get no justice against Sir *Arthur*, he intended to go to the General to *Scotland*, and as Sir *Arthur* was a Member of the Army, being a Colonel of a Regiment, and Governour of a Garrison under the Generals power, he was resolved at a Council of War to Article against him, and he was confident they would hear him, and do him right; the first part of which, he told me he acquainted the Lord *Grey of Groby* with, and earnestly begged of him, in case the said Book was questioned at the Council of State, that he would answer for him, as he had intreated the Speaker to do in the Parliament; and he farther told me, that before he took Horse at *London*, he went to *Haberdashers Hall*, and gave, and caused his Books to be given away, in the very face of the Commissioners there, and their Officers; and that when he took his Journey, he brought many of the said Books along with him, and at all, or most places where he came, gave away the said Books with his own hands, as his own; and having but one left at *York*, at the Post masters there, *M. Pearson*, Sir *Arthur Heslrigs* Clerk or Secretary, came into his room about twelve a clock at night, and he pulled one of the said Books out of his pocket, and to *M. Pearsons* face, owned it for his, and read him some of the smartest passages in it, and told him he had but one of many of them left, or else he would have given it him to give to Sir *Arthur Heslrig*; but being he had but one; he was resolved to keep it till the morning, and give it to his Noble and Honoured friend *M. Luke Robinson* the Parliament man, and did so, and intreated him seriously to read it all over, and as his Book to shew it (if he pleased) to Baron *Thorp*, then in person at his Inn: and

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also hee farther told me, that at his coming into the County of *Durham*, he waited upon the General at his Quarters at *Branspeth* on purpose about it, having left order at *London* to send several of them to the General, and the chief Officers of the Army into *Scotland*, which arrived safe in their hands at *Scotland*: but the General being very busie, and ready to march from *Branspeth*, he could have no time to speak with him about it, but inquired after it of some of his principall Officers, who told him the General had seen it, and as they thought had read it, forasmuch as there was some discourse betwixt him and some of the chief Officers about it; some in the Army apprehending the things laid to Sir *Arthurs* charge, to be very foul and base, prest that there might be a fair hearing of it at a Councel of War, which was promised after their great business was over; at which tidings, the Lieut. Col. was very glad, and engaged upon his life to make his said Book good: and when he had done, having got a new recruit, he gave some of them away, as his Books, upon the very place, to some of the Officers of the Army; and yet for all this, the Lieut. Col. tells me since his coming from *London*, (his letters tells him) he was posted up publickly (as he believes by some of Sir *Arthurs* Agents, on purpose to disgrace him) for running away for printing the said Book, which he durst not own, and that if any man would bring him in, he should have 700 *l.* for his pains; and by others, as he believes of the same Agents, he was publickly in *London* posted up for running away to the King of *Scotland* with 500 Horse, and if any could bring him in, they were proffered 500 *l.* for their pains.

But fully understanding by the said Lieut. Col. how my business was above, and how little hopes there was to get any speedy remedy there, & fearing the length of time of getting a hearing in the Army, would be too long for my pressing necessities to stay, they having in a manner taken all that ever I have in the world from me, and allow me not one penny to live on, out of my estate; so that if I had not some true friends to help me, I, my wife, and small children (for any thing they afford me, might either starve or beg; and besides, they suffer my Houses to be so, that they are ready to fall down upon the ground, and force me to hire my own ground of them, to put in some Cows, to give a little milk to feed my poor young babes; and my mother and her daughters is in the like case, they having not for almost two years, received 30 *l.*

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from them to buy them bread, although my mothers title have bin the chiefest that sometimes they have set up, to sequester the most of it upon pretence of her Recusancy, and therefore whether she have a title or not, yet they sequestering it upon that pretence, they ought by the Law of *England*, to allow her the thirds out of it, but they are like greedy Cormorants, that will swallow all : I say, considering and weighing all my necessities, and pondering in my own self, and taking counsel what I had best to do, I did in the

Fifth place, upon the 23 of *August*, 1651. with some friends go to *James Liddel* their Steward, and demanded of him the immediat payment of some rent, reserved to me upon the Colliery ; the which, he absolutely refusing to pay, I made a formal re-entry upon my Colliery, as by Law I might, upon which, a company of men came violently upon me, that call themselves soldiers, and act upon my ground like savage Bears and Wolves, or Thieves and Robbers, and will produce unto me no written Order or Warrant, to give me a Rational ground to judge from whence they come, or who they are ; upon which, I the second day of this *September*, 1651. repaired to *Durham*, to the Commissioners sitting there, and they disclaim them, and avow they knew nothing of them till I told them ; but yet would grant mee no Warrant to take them away, only they promised me to speak with Major *Tolhurst* about them, who it seems is their Commander, as well as his Soldiers ; whereupon the next day, I writ a Letter to the Constable at *Harraton*, and others of my neighbours, charging them at their perils, upon my ground to harbour them no more, nor joyn with them any longer to rob and steal from me my Coles by force and violence : and that they might all take notice of their own danger, I caused the said Letter to be printed and delivered to them ; several copies of which, I make bold herewith to present unto you, for your serious perusal ; but divers of my said neighbours persisting still in their evil dealing with me, I have sent to *London* for Process for every one of them that are tardy, as well Keel men, as others, and doubt not of a sufficient remedy at law against them all, without interruption from the Committee of Indemnity, where yet I should not be sorry to be brought into, being apt to think I shall not get my complaints heard against *Sir Arthur*, till he or some of his Agents be forced by me to turn complaints : But Process being in my own understanding too short weapons to reach Soldiers withall, In the

Sixth place, upon the fourth of this present September, I went to *Gateshead*, accompanied with my Father in Law *M. George Grey*, *Richard Lilburn*, Esq. Lieu. Col. *John Lilburn* his son, and my brother *M. Ralph Grey*, on purpose to speak with Sir *Arthur* about all these things; but he being busie with the Commissioners of the Ministry, and so not to be spoken with, we all (saving Lieu. Col. *John Lilburn*) went to Major *Tolhurst*, and acquainted him with the substance of all passages at *Harraton*, and demanded of him the said reserved rent of forty shillings per week, which he refused to pay, and acknowledged that by a verbal command of his own, (which is not worth a button, nor can be no security to the soldiers he had sent) the said soldiers to keep the possession of the said Colliery, adding he was betruſted by Col. *Hacker*, Lieutenant Col. *Mayers*, and the rest of the Gentlemen that had taken it, to keep it, and he would keep it; so receiving no satisfaction at *New Castle*, and clearly finding Major *Tolhurst* durst not give unto the soldiers a written Warrant or Order, to be their security, rule, and guide: In the

Seventh place, I desired my Father *Grey*, and som other friends to hasten to *Sunderland*, to disperse my said Letters there, and again to warn all the Keel men at their perils to fetch none of my Coles, nor none of the ship masters to buy any of them, and my self, with Lieu. Col. *John Lilburn*, rode away to *M. Timothy Whittingham*, being a Justice of Peace, and read him the said Letter, and fully acquainted him that a company of Rogues, who called themselves soldiers, were come upon my ground, but could produce no Commission from any body that sent them, nor the Commissioners at *Durham*, nor Major *Tolhurst*, would not under their hands own them, and they like bloody Rogues, beat, and had almost killed some of the people, whom they forced to load away my Coles to the water side, and some of the said soldiers, with their own hands, loaded my Coles into Keels, and carried or sent them away; and thereby feloniously robbed and stole from me my real and proper goods; for which, as he was a Justice of Peace, forthwith vve desired his Warrant, as Felons to bring them before him, vvhich vve very much prest upon him as his duty by his Oath, and the Law of *England* to grant; but he refused, and desired time to consider of it, and speak vvith Sir *Arthur* about it: upon which, Lieu. Col. *Lilburn* desired him to tell Sir *Arthur* from him, if he and those under him were affraid and a-

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shamed, to give the soldiers at *Harraton* under their hands a written Commission or Order to act by, and that *M. Whittingham* refused to grant his Warrant to bring them before him, upon our complaint; vve vould not be affraid nor ashamed, to do the best we could to expel force vvith a stronger force, and if any of the pretended soldiers were knuckt on the head in the scuffle, for any thing we know, from the Law of *England*, they had their mends in their own hands; but if he vvould send his written Order for the soldiers Warrant, and let us copy it out, vve vould not at all trouble or molest the soldiers any more; and so we vvwere content that he should take till Munday at night to talk vvith Sir *Arthur* about it: and vve being both at *Durham* upon Tuesday last being the ninth of this present *September*, *M. Whittinghams* man brought to our Inn a sealed Letter, the Copy of which thus followeth;

For his very good Friend, Lieutenant Colonel
John Lilburn, these.

Kind Sir,

UPon my more serious thoughts, and strict perusal of the Printed Letter you left with me, upon Friday last, I plainly see a matter of title, and a meum and tuum, in controversie, betwixt the state now in possession, and *M. John Hedworth*, of which thing you well know the Law is the proper Iudge, and can and must decide it, and the Civil Magistrate no way concerned in the businesse: yet Sir, I am so tender and careful of your safety, and my own duty, that if either your self, or *M. Hedworth* be affraid of life, or know any man lie in wait to rob you, or either of you, or if any Felony bee committed, or Robbery done upon your person, or persons, upon legal Information, I shall be very ready to serve you, and grant my Warrant: also if there be any force either by Entry or Detainer, I shall not in the least be wanting unto you, and the Publick, to join vvith another in Commission with my self, to view and remove as occasion shall offer: In brief, this is all, but that I am

Helmfield, the 9 Sept.
1651.

Sir, your most affectionate friend
to serve you,

Timothy Whittingham.

Now

Now most honoured Gentlemen, I pray seriously observe M. *Whittingham's* Letter, who if he had been a man according to that which God in Scripture requires every Magistrate to be, *viz:* a man of Courage, I am apt to believe he would scarce have written this answer, to our Legal demand; but I desire to be as sparing of him as the nature of my business will permit me: but yet I beseech you to take notice that I think the Civil Magistrate is the proper Judge of the Law, and not the soldiers in the least, much less those that only pretend themselves soldiers. And I beseech you observe, that in the eye of the Law, Felony and Robbery may be as well committed upon my goods taken out of my house or ground, as from my immediat & proper person, and so much we positively we laid unto the charge of those sturdy rogues, that pretend themselves soldiers upon my ground, who have no Formal nor Legal Commission to authorize them in the least to do as they do; and upon our so serious laying Felony to their charge, and offering by the Law to make it good, he ought by the Law without any more dispute, to have granted us his Warrant, at least to have brought them before him to have examined them: by means of w^{ch}, I should either have known some that Judicially and Formally would have owned them, or have had some evident demonstration that these are the men Major *Telhurst* by word of mouth sent, or else have clapt them in that place that would have kept them safe, till they were fully fit for the Gallows their deserved portion.

But most noble Gentlemen, by all the fore-recided dealing with me, you may clearly see, I am made the most miserablest spectacle and object in *England*, being robbed by Sir *Arthur Hesilrig*, &c. (by his will and power) of my Land, Colliery, Goods and Cattle, and damm'd up that I can have Justice no where, to obtain a little of my own to buy me bread, to keep me, my wife, and young and tender infants alive; nay, that which is worst of all, I am expressly by Sir *Arthur Hesilrig* himself, in the presence of my self, and my Brothers, M. *George*, and M. *Richard Grey*, and many others, absolutely commanded to be robbed, and deprived before I have committed any crime) of all the priviledges of an English man, by being debarred to have the benefit of the Law against any of those that detain other parts of my inheritance from mee, then now is in the possession of the State, in the detention of which, the State gets no benefit at all: Wherefore hear, O Heavens, and give ear, O Earth, and if any bowels of Compassion, Justice

Justice, or Mercy, be in you, pity, commiffionate, and help to relieve me, a moft diftrefsed, and cruelly oppreffed young Gentleman; that with grand oppreffion, and unparrelleld cruelty, is like to be destroyed by Sir *Arthur Heftrig*; even in *England*, at that time, when the Parliament thereof, hath many Armies in the field to fight for the Laws, Liberties, and Properties of the people; and therefore as yee are men, nay, men of Honour, Conscience, or common honesty, or as ever you came from the bowels of women, O help, help, help me, and my perishing family, in my transcendent and great diftresses, and put forth some of that power betrufted to you by the Parliament of *England*, as you are Members of the chiefeft power in this County, *viz.* Commanders, and Disposers of all the Forces and Militia there, and send forth your Warrant, and Soldiers to command before you, these Thieves and Robbers, now upon my ground, that call themselves soldiers, and so being within your jurisdiction, are under your immediate command, and compel them by your power, either to produce before you a Formal and written Warrant, to justify them in what they have already done, or in default thereof, to send them to the Goal as Rogues, Thieves, and Robbers; and as one of you is a Parliament man, and as either the spirit of Honour, or an English man dwells in you, send I beseech you, this my Complaint, to the Parliament, and earnestly intreat them in my behalf to read my forementioned Petition depending before them, and do me right against all the cruel oppressions of their own Member Sir *Arthur Heftrig*, who is the greatest dishonour unto them (by his oppression and tyranny) in all this Nation; and as another of you hath been a Member of the Army, in a place of Eminency there, and as either the spirit of a Soldier, or a man of Magnanimity dwells within you; send this my mournful Complaint, Lamentation, and Out-Cry, to his Excellency the Lord General *Cromwel*, and the Honourable Officers of his Army, and intreat of them in my behalf, to take Cognizance of my great oppressions, by the Members of their own Army, *viz.* Sir *Arthur Heftrig*, his Col. *Hacker*, his Lieu. Col. *Adyers*, his Major *Tolhurst*, his Lieu. *Bruine*, and all the rest of his Officers, that have unjustly oppressed mee, and helpt to rob me of my estate. And also I pray put him in mind of the dishonour Sir *Arthur Heftrig* hath done unto him, and the affront he hath put upon him by his turning honest, firm, and fast men to him, and the Common-wealth, out of places of authority

authority in this County, and his placing in as Governors thereof, not onely Newters, but known Delinquents, yea, and particularly his making Col. *Francis Wren* the only man under him (as it were) to govern and rule this whole County, after his Excellency had cashiered him in *Scotland*, for his unworthiness and baseness; and for your noble favours manifested unto me in the things desired of you in this the day of my great distress and calamity, I shall be very much obliged in the presence of my friends, whose names as witnesses are hereunto subscribed, to acknowledge my self to be ingaged to remain

From my own House
at *Harraton*, this
13 of *Sept.* 1651.

Witness

George Grey.
John Lilburn.
Ralph Reskby.
Ralph Gray.
Roger Harper.

Gentlemen,

Your greatly distressed friend
and most humble servant,
heartily to serve you and this
Common-wealth,

JOHN HEDVVORTH.



F I N I S.

